

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:08-cv-00540-MOC-DSC

THIS MATTER is before the court on defendant's Motion for Summary Judgment. The court has considered the Motion, plaintiffs' Response, and defendants' Reply and concurs with plaintiffs' argument that the motion is premature in that it seeks judgment against certain plaintiffs prior to merits discovery. Indeed, the Pretrial Order – which was agreed to by the parties -- specified that dispositive motions would be scheduled only after determination of class certification and merits discovery. Indeed, as in every case, the court expects the parties not only to engage in merits discovery prior to summary judgment, but to have exhausted mediation and settlement discussions. Having considered defendant's motion and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion for Summary Judgment (#218) is DENIED WITHOUT PREJUDICE as premature.

Signed: May 18, 2016

Max O. Cogburn Jr.